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APR 19 2016

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor
Northeast District Office**Kansas Water Pollution Control Permit for Agricultural and Related Wastes****Permit Application****Livestock Waste Management Program**

Instructions: PLEASE PRINT. Complete and provide all information as requested. Attach all drawings and plans to this application. If you need assistance completing this form, call (785) 296-6432 or your local KDHE District Office. Mail completed application to:

**LIVESTOCK WASTE MANAGEMENT SECTION
KDHE - BUREAU OF WATER
1000 SW JACKSON STREET, SUITE 420
TOPEKA, KS 66612-1367**

Department Use Only

Facility ID No. _____

Certification No. _____

Permit No. A-monm-8061

Date Permit Application Complete: _____

Permit Fee: Yes ☐ No ☒

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BUREAU OF WATER

If a registration form has been submitted to KDHE within the previous eighteen months, only pages 1 through 7 and not previously submitted portions of Appendix 3 need to be completed. Any information from pages 5 or 7 submitted with the registration does not need to be resubmitted unless changes need to be noted.

NOTICE: Failure to provide all required documentation at the time of submission of this permit application will result in the entire permit package being returned to the applicant for completion.

FACILITY IDENTIFICATION1. Name of Applicant: Douglas Metzger Date: 4-19-2016Name of Property owner(s) (if different from Applicant): 72. Name of Firm or Facility: Metzger Farm II3. Mailing address: 2293 P RoadCity: Seneca State: KS Zip: 66538

4. Facility address (if different): _____

City: _____ State: _____ Zip: _____

5. Business Telephone No.: 785-336-3958 Home Telephone No.: _____

Cellular Telephone No.: _____

Phone call with
Mr. Metzger 11/21/2017

E-Mail address: _____

Applicant hereby makes application to the Kansas Department of Health and Environment in conformance with K.S.A. 65-171d et seq. and K.A.R. 28-18-1 through 17, and/or 28-18a-1 through 33.

FACILITY DESCRIPTION

6. Legal description of property where facility is located:

Facility ID	<u>E 1/2</u>	<u>22</u>	<u>2</u> South	<u>13</u>	Circle: E or W	<u>Nemaha</u>
	Quarter(s)	Section	Township	Range		County
Facility ID	<u>NE</u>	<u>21</u>	<u>2</u> South	<u>13</u>	Circle: E or W	
	Quarter(s)	Section	Township	Range		County
Facility ID					Circle: E or W	
	Quarter(s)	Section	Township	Range		County

7. The existing, proposed, and/or expanded livestock operation will consist of: (please indicate Existing or Proposed)

☒ Open Lots ☒ Enclosed Bldg. ☐ Both Open/Closed ☐ Truck Wash ☐ Other

8. Existing and/or proposed waste control systems: (please indicate Existing or Proposed)

☐ Lagoon ☐ Sedimentation Basin ☐ Concrete Storage Structure

Other (explain) _____

9. Are there any local comprehensive land use plans or zoning requirements or restrictions at this site?

Yes ☐ No ☒

If yes, please explain: _____

10. Indicate the type and size of equipment available for: 1) land application, and 2) transportation of process waste (in any form: liquid, slurry, or solid), and for each piece of equipment whether it is owned, leased, or contractor provided:

Equipment Description (55 hp tractor, high lift, pto driven pump, manure wagon, honey wagon, center pivot, traveling gun, etc.)	Equipment Purpose (Transportation, collection, land application, agitate manure in basin, etc.)	Capacity (Gallons per minute, gallons, bushels, acres, cubic yards, etc.)	Owned (O), Leased (L), or Contractor=s (C)
<u>Honey Wagon</u>	<u>transport</u>	<u>3000</u>	<u>O</u>
<u>Honey Wagon</u>	<u>transport</u>	<u>2250</u>	<u>O</u>
<u>806-100HP + 1256-150HP</u>	<u>transport + application</u>		<u>O</u>
<u>195 NH spreader</u>	<u>land application</u>	<u>425 Bushel</u>	<u>O</u>

ANIMAL UNITS CALCULATION TABLE

Please complete the table below. Be certain to identify all the types of animals that you have at your facility. Each pig, weaned or unweaned, weighing 55 pounds or less must be counted as 0.1 animal units. Similarly, for permitting purposes, dairy facilities must count calves and heifers weighing less than 700 pounds as 0.5 animal units and bulls, and heifers weighing more than 700 pounds as 1.0 animal unit. Lactating and dry dairy cows should be counted as 1.4 animal units, etc.

(A)	(B)	(C)	(D)	(E)
Type of Facility*	Maximum Permitted Capacity (Head)	Proposed Expansion or New (Head)	AU Conversion Factor	Maximum Animal Units (B+C) x D
Swine weighing more than 55 pounds	5040		0.4	2016
Swine weighing 55 pounds or less	300		0.1	30
Cattle weighing more than 700 pounds			1.0	
Cattle weighing less than 700 pounds			0.5	
Mature Dairy Cows (Lactating and Dry)			1.4	
Sheep/Lambs/Goats			0.1	
Turkeys			0.018	
Laying Hens/Broilers w/ continuous overflow watering			0.01	
Laying Hens/Broilers w/ liquid manure system			0.033	
Chickens (other than Laying Hens) w/ other than liquid manure system ¹			0.008	
Laying Hens w/ other than liquid manure system ¹			0.0122	
Horses			2.0	
Ducks w/ liquid manure system			0.2	
Ducks w/ other than liquid manure system			---	
Other-specify species _____				
Total				5046

Per phone call on 11/21/2017 with Douglas Metzger. mm

*Minimum EPA thresholds requiring an NPDES permit are: 700 head of mature dairy cows (lactating or dry), 1,000 head of veal calves, 1,000 head of cattle other than mature dairy cows or veal calves, 2,500 head of swine weighing greater than 55 pounds, 10,000 head of swine weighing 55 pounds or less, 500 horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000 laying hens/broilers w/ liquid manure system, 125,000 chickens other than laying hens w/ other than liquid manure system, and 82,000 laying hens w/ other than liquid manure system.

¹ Use a 0.033 AU conversion factor if the manure, from chicken facilities that only use dry litter systems, is exposed to precipitation during collection, when stored in stockpiles, or land applied without incorporation into the soil within 24 hours

SEPARATION DISTANCE WAIVERS AND PUBLIC NOTICE REQUIREMENTS

Habitable Structure Separation Distances: On Appendix 2, list all owners of habitable structures, and the headquarters of all city, county, state, or federal parks, and wildlife refuges within the applicable separation distance for the maximum animal unit capacity of the facility.

	<u>Animal Units (AU)</u>	<u>Habitable structure Separation Distance</u>	<u>Wildlife Refuge Separation Distance (Swine Only)</u>
New facility or expansion	300-999	1,320 feet	
New facility or expansion	1,000-3,724*	4,000 feet	10,000 feet
Swine expansion that will meet or exceed	3,725	4,000 feet**	
New swine facility that will meet or exceed	3,725	5,000 feet	16,000 feet

* No ceiling for non-swine

** If within original designated expansion boundary, otherwise 5,000 feet.

The applicant should request owners of habitable structures within the applicable separation distance to sign a waiver of the separation distance to the proposed facility. Waivers shall be filed by the applicant with the register of deeds office of the county in which the habitable structure is located. Evidence of proper notice such as, signed waiver agreements, or signed certified mail receipts to match the list in Appendix 2 shall be provided before KDHE will notify the public a permit has been drafted. A Confined Animal Feeding Facility/Habitable Structure - Separation Distance Agreement form is available upon request from the Department or on-line at <http://www.kdheks.gov/feedlots/>.

The applicant of a proposed new construction or new expansion of a **swine** facility is required to give notice to all owners of habitable structures within the applicable separation distance, by certified mail, of the applicant's intention to apply for a water pollution control permit. The notice should include pertinent information regarding the location, size, general methods of waste management, and any other information the applicant deems necessary.

ATTENTION: FAILURE TO PROVIDE REQUIRED NOTICE OF APPLICATION FOR A WATER POLLUTION CONTROL PERMIT TO OWNERS OF HABITABLE STRUCTURES, WITHIN THE SEPARATION DISTANCE, IS GROUNDS FOR AUTOMATIC DENIAL OF THE PERMIT APPLICATION BY THE SECRETARY OF KDHE.

List of Property Owners Within One Mile of the Facility: On Appendix 2a, the applicant is required to provide KDHE with a list containing the names and mailing addresses for each owner of a habitable structure and any property within 1 mile of a proposed **new construction or new expansion** of a confined feeding facility. In addition, the applicant of a proposed new construction or new expansion of a confined feeding facility is required to provide KDHE with the address of the United States post office or offices serving the immediate area of the facility.

Public Notice Requirements: Attach all waiver and public notice documentation listed in Appendix 3 to this application.

PRODUCER'S CHECK LIST

For this permit application to be considered complete and ready for the department to review, the applicant must provide the following documentation. Please check and assemble in the order listed. Additional guidance on specific components is available upon request through the Department. Please call (785) 296-6432 or go on-line at www.kdheks.gov/feedlots/ for assistance.

Appendix

- | Number | Document |
|-----------|--|
| _____ 1. | Facility Site Maps – see page 7 for details |
| _____ 2. | List of Habitable Structure Owners within applicable separation distance – see pages 4 and 8 for details |
| _____ 2a. | List of Habitable Structures/Property Owners within one mile (proposed new construction or new expansion) – see page 9 for details |
| _____ 3. | Public Notice Documentation – see page 10 for details |
| _____ 4. | Depth to Groundwater Information |
| _____ 5. | Facility Design Calculations |
| _____ 6. | Construction Drawings* |
| _____ 7. | Waste Management Plan (Required if the facility is less than the EPA thresholds listed on page 3) |
| _____ 8. | Nutrient Management Plan (Required if the facility meets or exceeds the EPA thresholds listed on page 3) |
| _____ 9. | Swine Facility Plans (include the following as appropriate): |
| _____ a. | Manure Management Plan [Required if 1,000 AU or more] |
| _____ b. | Nutrient Utilization Plan [Required if 1,000 AU or more] |
| _____ c. | Emergency Response Plan [Required if 1,000 AU or more] |
| _____ d. | Odor Control Plan [Required if 1,000 AU or more] |
| _____ e. | Dead Swine Handling Plan [Required if 1,000 AU or more] |
| _____ f. | Facility Closure Plan [Required if 3,725 AU or more] |
| _____ g. | Financial Assurance for Facility Closure [Required if 3,725 AU or more] |
| _____ h. | Financial Assurance for Swine Waste-Retention Lagoon or Pond Closure [Required if 3,725 AU or more] |
| _____ i. | Ground Water Monitoring Plan [Required for certain swine facilities (see K.A.R. 28-18a-18).] |

***Provide detailed location/site plans indicating the following:**

Major components of the facility including structures - building sizes/locations, property lines, locations and sizes (length, width, height - area/volume capacity) of lagoons, dirt lots, pits, and manure stockpile locations. Plans should include type, size and maximum anticipated number of animals in each building and/or dirt lot. Also, depict the furthest extent of the facility boundaries to include areas that may be used for future expansion.

ANNUAL PERMIT FEE

When a permit is required the annual permit fee is based on the facility's maximum number of animal units as listed below and **must be paid before processing** of the permit and annually to maintain the validation of the permit. These fees are non-refundable.

Facility Size in Animal Units (AU)	Annual Permit Fee
999 AU or less	\$25
1,000 to 4,999 AU	\$100
5,000 to 9,999 AU	\$200
10,000 AU or more	\$400
Private Truck Washing Facility (two or fewer owned trucks)	\$25
Private Truck Washing Facility (three or more owned trucks)	\$200
Commercial Truck Washing Facility	\$320

**PLEASE MAKE CHECK PAYABLE TO:
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

SIGNATURE/CERTIFICATION**Swine Facility Consultation Statement: (if applicable)**

I, _____, will consult with the KSU county extension agent, or
(Applicant's Name)
qualified agronomist or individual trained in crop protection, to ensure application of swine wastes at agronomic rates and that records of this information will be available at the swine facility office as prescribed in K.S.A. 65-1,179(b)(3)(E).

Applicants Signature: _____ **Date:** _____

Permit Application Certification: (required for all species)

This application is to be signed by one of the following: (1) In the case of a corporation, by the principal executive officer of at least the level of Vice President; (2) in the case of a partnership, by a general partner; and (3) in the case of a sole proprietorship, by the proprietor.

I hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief:

Applicants Name: _____ **and Title)** _____
4-19-16

Applicants Signature: _____ **Date:** _____

APPENDIX 2

Habitable Structure Owners List

(Habitable structures within the applicable separation distance)

Using the format provided, please record the name, address, city, state, zip code of the owner, distance from the facility, and direction from the facility, of **all habitable structures within the applicable separation distance** as determined by the number of animal units for the facility. Habitable structures means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: a dwelling, church, school, adult care home, medical care service, child care facility, library, community center, public building, office building, or licensed food service, or lodging establishment, parks, and wildlife refuge.

Name	Mailing Address (address, city, state, zip)	Distance*	Direction
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

* As measured from the currently planned maximum extent of the facility structures such as buildings or wastewater lagoons.

APPENDIX 2a

Habitable Structure/Property Owners List

(For proposed new construction or expansion of an existing facility)

Using the format provided, please record the name, address, city, state, zip code of the owner, distance from the facility, and direction from the facility, of **all property owners and habitable structures within 1 mile of the facility**¹. Habitable structures means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: a dwelling, church, school, adult care home, medical care service, child care facility, library, community center, public building, office building, or licensed food service, or lodging establishment, parks, and wildlife refuge.

Name	Mailing Address (address, city, state, zip)	Distance*	Direction
1.	<i>We would like a variance</i>		
2.	<i>We request a newspaper</i>		
3.	<i>announcement.</i>		
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

* As measured from the currently planned maximum extent of the facility structures such as buildings or wastewater lagoons.

¹New and expanding **swine** facilities with 1,000 or more AU of swine should also provide this information for habitable structures within 1,000 feet of any land application area.